

REMARKS

This Amendment is filed in response to the non-final Office Action of November 23, 2010 in which claims 92-125 were rejected.

Applicants have reviewed the Office Action and found that the *Salokannel et al.* (US 2005/0059420) reference document, now brought up by the Examiner, was commonly owned by the applicant at the time of the filing of the pending application (February 5, 2005) and has a publication date of March 17th, 2005. So, as the filing date of the pending application is February 5th, 2004, applicants assert that the *Salokannel et al.* (US 2005/0059420) reference document does not qualify as prior art for an obviousness type of rejection under the safe harbor of 35 U.S.C. 103(c).

In other words, the subject matter disclosed by the *Salokannel et al* reference and the subject matter of the presently claimed invention were, at the time the present invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Since the *Salokannel et al* reference would qualify as prior art only under one or more of subsections (e), (f), and (g) of Section 102 of Title 35, patentability under 35 U.S.C. 103 is not precluded.

Withdrawal of the 35 U.S.C. 103(a) rejection is requested.

The objections and rejections of the Office Action of November 23, 2010, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 92-125 to issue, is earnestly solicited.

Respectfully submitted,

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